REMARKS

I. Status of the Claims

In the Office Action of August 13, 2004 ("OA"),[1] claims 3-7 and 9-17, 18-21, 24, 27, 28, 30-32, 34-42, 43, 45, 46, 49 and 52 were rejected under the "judicially created doctrine of obviousness-type double patenting" as unpatentable over claims 1, 2, 3-12, 14 and 15 of U.S. Patent No. 6,446,070 to *Arnold* et al. ("*Arnold*"); claims 20 and 45 were objected to under 37 C.F.R. 1.75(c) as being of improper dependent form; claims 3-6, 9-14, 16-20, 24, 28-31, 34-39, 41-45 and 49 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,061,713 to *Bharadhwaj* ("*Bharadhwaj*"); claims 7-8, 21-23, 25, 26, 32, 33, 46-48 and 50 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Bharadhwaj* in view of U.S. Patent No. 6,282,581 to *Moore et al.* ("*Moore*"); and claims 15, 27, 40 and 52 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Bharadhwaj* in view of U.S. Patent No. 6,219,675 to *Pal et al.* ("*Pal*"). The objection and rejections are addressed below.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

II. Obviousness-type double patenting rejections of claims 3-7, 9-17, 18-21, 24, 27, 28, 30-32, 34-42, 43, 45, 46, 49 and 52

Claims 3-7 and 9-17, 18-21, 24, 27, 28, 30-32, 34-42, 43, 45, 46, 49 and 52 were rejected under the "judicially created doctrine of obviousness-type double patenting" as unpatentable over claims 1, 2, 3-12, 14 and 15 of *Arnold*. Specifically, the Examiner alleged:

(1) "the combination of claims 3-6, 9, 11, and 13-16 are nearly identical to claim 1 of *Arnold*" and "claims 7, 10, 12, and 17 of the present application correspond to claims 5, 6, 7, and 8 of *Arnold*, respectively" (OA at 3);

(2) "the combination of claims 18-20, 24, and 27 are nearly identical to claim 2 of *Arnold*" and "claim 21 of the present application corresponds to claim 9 of *Arnold*" (OA at 3-4);

(3) "the combination of claims 28, 30-31, 34, 36, and 38-41 are nearly identical to claim 3 of *Arnold*" and "claims 32, 35, 37, and 42 of the present application . . . [correspond] to claims 10, 11, 12, and 14 of *Arnold*, respectively" (OA at 4); and

(4) "the combination of claims 43, 45, 49, and 52 are nearly identical to claim 4 of *Arnold*" and "claim 46 of the present application corresponds to claim 15 of *Arnold*" (OA at 4).

Although Applicants do not agree with the Examiner's assertions, in an effort to advance prosecution, Applicants file a Terminal Disclaimer[2] herewith, obviating the obviousness-type double patenting rejections. Applicants therefore request withdrawal of the obviousness-type

[2] Applicants point out that: "[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection." M.P.E.P. § 804.02(II), 8th Ed., Aug. 2001, p. 800-32 (internal citation omitted). As M.P.E.P. § 804.02(II) indicates, "the 'filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.'" *Id.*

double patenting rejections of claims 3-7 and 9-17, 18-21, 24, 27, 28, 30-32, 34-42, 43, 45, 46, 49 and 52.

III. Objection to claims 20 and 45 under 37 C.F.R. § 1.75(c)

The Examiner asserts that claims 20 and 45 fail to further limit the subject matter of previous claims. In particular, the Examiner alleges that the recitation in claim 20 of *wherein the task is developed in a programming language and environment compatible with each of the server computers* is "substantially the same as" the recitation in base claim 18 of *wherein the task is in an executable programming language compatible with each of the server computers*. The Examiner also alleges that the recitation in claim 45 of *wherein the task is developed in a programming language compatible with each of the servers* is "substantially the same as" the recitation in base claim 43 of *wherein the task is in an executable programming language compatible with each of the servers*. Applicants traverse the objection.

Claim 20 does indeed further limit the subject matter set forth in claim 18 in that it specifies a manner in which the task of claim 18 is developed. Similarly, claim 45 further limits the subject matter set forth in claim 43 because it recites a manner in which the task of claim 43 is developed. Because claims 20 and 43 do in fact further limit the subject matter set forth in their respective base claims, these claims are proper dependent claims. As such, the objection to claim 20 and 43 under 37 C.F.R. § 1.75(c) should be withdrawn.

IV. Rejection of claims 3-6, 9-14, 16-20, 24, 28-31, 34-39, 41-45 and 49 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 3-6, 9-14, 16-20, 24, 28-31, 34-39, 41-45 and 49 under 35 U.S.C. § 103(a) for the following reasons.

In rejecting independent claim 3, the Examiner alleges that *Bharadhwaj* discloses:

> forming a task request from parameters and data . . . [and]

> sending the task request to the selected server . . . which downloads any needed executable byte code . . . invokes a generic compute technique capable of executing the task request on the selected server and generates results . . . . (OA at 6.)

Applicants disagree with the Examiner's interpretation of *Bharadhwaj*. *Bharadhwaj* describes a system for simplifying the communications between clients and servers via a global naming system. *See* col. 3, lines 34 et seq. Contrary to the Examiner's averment, *Bharadhwaj* does not disclose or suggest "forming a task request from parameters and data." As the Examiner notes, *Bharadhwaj* mentions a characteristics table for a domain port, which includes sets of characteristics including selection criteria characteristics "directed to selecting an instance of a server program . . . to process a request" (col. 5, lines 8-30). *Bharadhwaj* also describes, as the Examiner notes, processing a communications request from a client by a port service module, which, according to *Bharadhwaj*, includes looking up port characteristics and forwarding the request to a local server program or a remote port service module (col. 7, line 61 – col. 8, line 9). These disclosures in *Bharadhwaj* do not constitute forming a task request from parameters and data, as asserted by the Examiner. Although *Bharadhwaj* mentions sets of characteristics, it does not disclose forming a task request from those characteristics. *Bharadhwaj*'s selection criteria characteristics are used to for selecting an instance of a server program to process a request, not for forming the request. Further, processing a communications request does not constitute forming a task request from parameters and data.

Bharadhwaj further fails to disclose or suggest that a selected server downloads any needed executable byte code, as alleged by the Examiner. While acknowledging that *Bharadhwaj* does not disclose that "code is explicitly 'downloaded' . . . to facilitate execution," the Examiner alleges that *Bharadhwaj* discloses referencing "data that is needed and . . . on another server" (OA at 6). According to the Examiner, in *Bharadhwaj*'s system, "data is

received over a network that allows the server program to continue the execution of the client request" (OA at 6). The relied-upon portion of *Bharadhwaj* (i.e., col. 5, lines 32-52) merely describes port type characteristics, domain port referencing if the port type is domain port, and a domain object characteristic used to generically reference objects to which access may be obtained via domain ports. This disclosure in *Bharadhwaj* does not support the Examiner's allegation that "data is received over a network that allows the server program to continue the execution of the client request." Indeed, the Examiner provides no evidence, beyond conjecture, to support the allegation. Further, the mere mention of a domain port referencing another domain port does not teach or suggest downloading any needed executable byte code by a server that receives a task. In fact, *Bharadhwaj* explains that if the port type is domain port, the request is forwarded to another domain port (col. 7, lines 29-32). Forwarding a request to another domain port is not consistent with downloading any needed executable byte code, as asserted by the Examiner.

For at least the reasons advanced above, Applicants submit that the rejection of independent claim 3 under 35 U.S.C. § 103(a) is not supported by the cited art and should therefore be withdrawn. Claim 3 should, accordingly, be allowed.

In rejecting independent claim 18, the Examiner alleges that *Bharadhwaj* discloses:

> assembling parameters and data from a task request into a task . . .
>
> downloading any needed executable byte code . . . [and]
>
> invoking a generic compute method on the server, which is capable of processing a plurality of types of tasks, which execute[s] the task and generates results . . . . (OA at 9.)

Applicants disagree with the Examiner's interpretation of *Bharadhwaj*.

Contrary to the Examiner's assertions, *Bharadhwaj* fails to teach or suggest "assembling parameters and data from a task request into a task." The Examiner notes (OA at 9)

Bharadhwaj's description of a characteristics table for a domain port, and its description of selection criteria characteristics directed to selecting an instance of a server program to process a request (col. 5, lines 8-30). The Examiner also notes (OA at 9) *Bharadhwaj*'s disclosure of looking up port characteristics and forwarding the request to a local server program or a remote port service module (col. 7, line 61 – col. 8, line 9). These disclosures do not support the Examiner's assertion that *Bharadhwaj* discloses "assembling parameters and data from a task request into a task." That is to say, looking up port characteristics and forwarding a request to a selected local server program or a remote port service module is not the same as assembling parameters and data from a task request into a task.

Bharadhwaj further fails to support the Examiner's assertion that the reference teaches or suggests "invoking a generic compute method . . . which is capable of processing a plurality of types of tasks." The Examiner notes (OA at 8) *Bharadhwaj*'s disclosure (col. 7, lines 18-25) of selecting a server program to process a request based on characteristics. The Examiner also notes (OA at 8) *Bharadhwaj*'s disclosure of looking up port characteristics, forwarding the request to a local server program or a remote port service module, and providing a response to the requesting client (col. 7, line 61 – col. 8, line 13). These disclosures relied upon by the Examiner do not support the above-mentioned assertions. Even if *Bharadhwaj*'s "server programs" were consistent with a compute method, the Examiner provides no evidence to show that the disclosed server programs are "generic [and] . . . capable of processing a plurality of types of tasks."

Further, the Examiner appears to equate a "task" with a client-requested service (see OA at 9). The Examiner, however, does not show that *Bharadhwaj's* server programs are capable of processing a plurality of types of requests. In fact, *Bharadhwaj* mentions that a client identifies a

server node associated with a desired service (col. 7, lines 10-15). To the extent the Examiner is alleging that *Bharadhwaj's* server programs are generic and capable of processing a plurality of service requests, such an allegation is not properly supported by the cited reference.

In addition, for at least reasons similar to those presented above in connection with claim 3, *Bharadhwaj* fails to support the Examiner's assertions that the reference discloses or suggests "downloading any needed executable byte code." For at least these reasons, Applicants submit that the rejection of independent claim 18 under 35 U.S.C. § 103(a) is not supported by the cited art and should therefore be withdrawn.

With regard to independent claim 28, the Examiner alleges that *Bharadhwaj* "teaches the invention as claimed, including . . . the method of claims 3-17" (OA at 10). Similarly, with regard to independent claim 43, the Examiner alleges that *Bharadhwaj* "teaches the invention as claimed, including . . . the method of claims 18-20 and 24" (OA at 10). As explained, the rejection of claims 3 and 18 are not supported by the cited art. For at least the same reasons advanced above in connection with claims 3 and 18, the rejection of claims 28 and 43 are not supported by the cited reference and should therefore be withdrawn.

For at least the foregoing reasons, the rejection of independent claims 3, 18, 28 and 43 under 35 U.S.C. § 103(a) should be withdrawn. The rejection of claims 4-6, 9-14, 16, 17, 19, 20, 24, 29-31, 34-39, 41, 42, 44, 45 and 49 should be withdrawn as well, at least because these claims depend from base claim 3, 18, 28 and 43.

Moreover, with regard to dependent claims 13 and 24, the rejection under 35 U.S.C. § 103(a) is not supported by the cited reference for the following additional reasons. In rejecting claim 13, the Examiner alleges (OA at 8) that *Bharadhwaj* teaches "determining if code related to the requested task is present on the selected server; and downloading the code

onto the selected server when the code is not present on the selected server." Applicants disagree. The relied-upon portion of *Bharadhwaj* (col. 5, lines 32-52) merely mentions port type characteristics, referencing another domain port if the port type is domain port, and a domain object characteristic used to generically reference objects to which access may be obtained via domain ports. This disclosure of a domain port referencing another domain port does not teach or suggest "determining if code related to the requested task is present on the selected server; and downloading the code onto the selected server when the code is not present on the selected server," as asserted by the Examiner.

In rejecting claim 24, the Examiner alleges (OA at 10) that *Bharadhwaj* teaches "determining if types related to the task are available on the server," and "when types are not available on the server, downloading the types onto the server from a location as indicated by the parameters provided by the client." Applicants disagree. The relied-upon portion of *Bharadhwaj* (col. 5, lines 19-52) merely mentions selection criteria and port type characteristics. It also mentions, as noted above, that a domain port references another domain port if the port type is domain port, and a domain object characteristic used to generically reference objects to which access may be obtained via domain ports. Selecting an instance of a server program using selection criteria and referencing a domain port does not teach or suggest "determining if types related to the task are available on the server," and "when types are not available on the server, downloading the types onto the server from a location as indicated by the parameters provided by the client," as alleged by the Examiner.

For at least these additional reasons, the rejection of claim 13 and 24 is not supported by the relied-upon reference and should therefore be withdrawn. Applicants thus request

withdrawal of the rejection of claims 3-6, 9-14, 16-20, 24, 28-31, 34-39, 41-45 and 49 under 35 U.S.C. §103(a) and the timely allowance of these pending claims.

V. Rejection of claims 7, 8, 21-23, 25, 26, 32, 33, 46-48 and 50 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 7, 8, 21-23, 25, 26, 32, 33, 46-48 and 50 under 35 U.S.C. § 103(a) for the following reasons.

Claims 7 and 8 depend from claim 3. For at least the reasons presented above in connection with claim 3, the rejection of claims 7 and 8 is not supported by *Bharadhwaj*. Further, *Moore* does not provide support for the rejection. *Moore* is directed to a communications framework "operable to support remote method invocation in a distributed object environment" (Abstract). Like *Bharadhwaj*, *Moore* does not teach or suggest at least "sending the task request to the selected server . . . which downloads any needed executable byte code . . . invokes a generic compute technique capable of executing the task request on the selected server and generates results . . ." as asserted by the Examiner. For at least this reason, the rejection of claims 7 and 8 is not supported by the cited references and should be withdrawn.

Further, even if combing *Bharadhwaj* and *Moore* would yield all of the elements alleged by the Examiner, *prima facie* obviousness has not been established with respect to claims 7 and 8 at least because the requisite motivation to combine these references is lacking. Determinations of obviousness must be supported by evidence on the record. See *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001) (finding that the factual determinations central to the issue of patentability, including conclusions of obviousness by the Board, must be supported by "substantial evidence"). Further, the desire to combine references must be proved with "substantial evidence" that is a result of a "thorough and searching" factual inquiry. *In re Lee*, 277 F.3d

1338, 1343-1344 (Fed. Cir. 2002) (quoting *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52).

In this case, the Office Action does not show, by substantial evidence, that a skilled artisan considering *Bharadhwaj* and *Moore*, and not having the benefit of Applicants' disclosure, would have been motivated to combine the references in the manner alleged. According to the Examiner (OA at 11), a skilled artisan would have combined the references "since in a distributed computing environment, different computers may be running different platforms or have incompatible communication protocols." These statements by the Examiner do not establish the required motivation to combine the references. That *Moore* might mention a "platform independent" protocol and remote method invocation that could allegedly "allow distributed computing" does not evidence that a skilled artisan would have combined the references to include a remote procedure call subsystem in *Bharadhwaj*'s system. Although the Examiner alleges that *Moore*'s teachings would "allow distributed computing for a number of types of systems to interact," the Examiner provides no evidence or reasoning to show how combining *Moore* with *Bharadhwaj* would allow *Bharadhwaj*'s system to achieve those results or even how a skilled artisan would combine the references.

Applicants call attention to M.P.E.P. § 2143.01, which makes clear that: "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" (citations omitted). The Office Action does not show that *Bharadhwaj* or *Moore* "suggests the desirability" of the alleged combination, and it provides no objective reason from the references for the combination. Moreover, the Office Action does not provide a proper motivation from the knowledge generally available to one skilled in the art. Applicants submit that the conclusions in the Office Action

were not reached based on facts gleaned from the cited references and that, instead, teachings of the present application were improperly used to reconstruct the prior art. For at least these additional reasons, the rejection of claims 7 and 8 under 35 U.S.C. § 103(a) is not supported by the cited art and should be withdrawn.

Claims 21-23, 25 and 26 depend from base claim 18. For at least the reasons presented above in connection with claim 18, the rejection of claims 21-23, 25, and 26 is not supported by *Bharadhwaj*. Likewise, *Moore* does not provide support for the rejection. *Moore* does not teach or suggest at least "assembling parameters and data from a task request into a task . . . downloading any needed executable byte code . . . [and] invoking a generic compute method on the server, which is capable of processing a plurality of types of tasks . . . ." The rejection of claims 21-23, 25, and 26 is thus not supported by the cited art and should, accordingly, be withdrawn.

Further, the Examiner has not established *prima facie* obviousness with respect to claims 21-23, 25, and 26 at least because the Examiner failed to show the requisite motivation to combine the references. For at least this additional reason, the rejection of claims 21-23, 25, and 26 under 35 U.S.C. § 103(a) should be withdrawn.

With regard to claims 32 and 33, the Examiner alleges that *Bharadhwaj* "teaches the invention as claimed, including . . . the method of claims 7-8" (OA at 12). With regard to claims 46-48 and 50, the Examiner alleges that *Bharadhwaj* "teaches the invention as claimed, including . . . the method of claims 21-23 and 25" (OA at 12). Although the Office Action does not make clear how the Examiner is applying *Moore* to these claims, Applicants address the rejection below.

Claims 32 and 33 depend from claim 28, and claims 46-48 and 50 depend from claim 43. Applicants submit that the rejection of claims 32 and 33 is unsupported by the cited art at least because *Bharadhwaj* fails to teach or suggest "sending the task request to the selected server . . . which downloads any needed executable byte code . . . invokes a generic compute technique capable of executing the task request on the selected server and generates results," as alleged, and because *Moore* does not cure *Bharadhwaj*'s deficiencies. The rejection of claims 46-48 and 50 is equally unsupported by the cited art at least because *Bharadhwaj* fails to teach or suggest "assembling parameters and data from a task request into a task; downloading any needed executable byte code; [and] invoking a generic compute method on the server, which is capable of processing a plurality of types of tasks," as alleged, and because *Moore* fails to cure these deficiencies. The rejection of claims 32, 33, 46-48 and 50 under 35 U.S.C. § 103(a) should therefore be withdrawn.

For the foregoing reasons, Applicants request withdrawal of the rejection of claims 7, 8, 21-23, 25, 26, 32, 33, 46-48 and 50 under 35 U.S.C. §103(a) based on *Bharadhwaj* and *Moore* and the timely allowance of these pending claims.

VI. Rejection of claims 15, 27, 40 and 52 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 15, 27, 40, and 52 under 35 U.S.C. § 103(a) for the following reasons.

Claim 15 depends from claim 3. The rejection of claim 15 is unsupported by the relied-upon references at least because *Bharadhwaj* fails to teach or suggest "forming a task request from parameters and data; sending the task request to the selected server which downloads any needed executable byte code, invokes a generic compute technique," as alleged by the Examiner. Further, *Pal* does not cure *Bharadhwaj*'s deficiencies.

Additionally, with regard to claim 15, the Examiner concedes (OA at 13) that *Bharadhwaj* fails to disclose "indicating to the server that results from a computed task should be stored in a result cache on the selected server for subsequent tasks to use." In an attempt to establish *prima facie* obviousness, the Examiner relies on *Pal*. Contrary to the Examiner's allegations, however, *Pal* does not support the Examiner's position. The relied-upon portion of *Pal* mentions that a "secondary storage device 412 contains an object cache 426 that contains ... results of previous queries performed on the DBMS 206" (col. 7, line 47 – col. 8, line 11). Although *Pal* mentions caching database objects for subsequent use, the reference does not teach or suggest "indicating to the server that results from a computed task should be stored in a result cache on the selected server," as asserted by the Examiner. Caching by a server is not the same as indicating to a server that results should be stored in a cache. That a server places results in a cache does not signify that the server receives an indication to cache results from a task. For at least these reasons, the rejection of claim 15 is not supported by the cited references and should thus be withdrawn.

In addition, the Examiner has not established *prima facie* obviousness with respect to claim 15 at least because the Examiner failed to show the requisite motivation to combine *Pal* with *Bharadhwaj*. The Examiner does not show that a skilled artisan having the cited art before him would have been motivated to combine the references in the manner alleged. According to the Examiner (OA, page 13), a skilled artisan would have combined the references "since in the case that subsequent tasks perform similar operations, or may perform additional work on an object, storing the result cache on the server would reduce the required execution time ... [and] reduces the communication time associated with a network." This position is not properly supported by evidence. For example, the Examiner fails to show, by substantial evidence on the

record, that combining the references would indeed reduce the "required execution time" or the "communication time associated with a network" in the systems disclosed by the references. The Office Action also does not show that *Bharadhwaj* or *Pal* "suggests the desirability" of the alleged combination and provides no objective reason from the references for the asserted combination. For at least these additional reasons, the rejection of claim 15 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 27 depends from claim 18. The rejection of claim 27 is unsupported by the relied-upon references at least because *Bharadhwaj* fails to teach or suggest "assembling parameters and data from a task request into a task; downloading any needed executable byte code; [and] invoking a generic compute method on the server," as alleged, and because *Pal* does not cure *Bharadhwaj*'s deficiencies. Further, with regard to claim 27, neither *Bharadhwaj* nor *Pal*, nor any combination thereof, teaches or suggests "storing the results from the task in a cache if a subsequent task will use the results" (OA at 13) as asserted by the Examiner. The Examiner notes *Pal*'s disclosure of an "object cache 426 [containing] ... results of previous queries performed on the DBMS 206" (col. 7, line 47 – col. 8, line 11). Although *Pal* mentions caching database objects for subsequent use, the reference does not teach or suggest "storing the results from the task in a cache if a subsequent task will use the results," as alleged by the Examiner. Indiscriminately caching results of queries does not constitute "storing the results from the task in a cache if a subsequent task will use the results." For at least these reasons, the rejection of claim 27 is not supported by the cited art and should be withdrawn. Further, *prima facie* obviousness has not been established with respect to claim 27 at least because the requisite motivation to combine the references is lacking.

With regard to claim 40, the Examiner alleges that *Bharadhwaj* "teaches the invention as claimed, including . . . the method of claims 15" (OA at 14). In rejecting claim 52, the Examiner alleges that *Bharadhwaj* "teaches the invention as claimed, including . . . the method of claims 27" (OA at 14). The rejection of claims 40 and 52, as presented in the Office Action, is ambiguous in that it does not make clear how the Examiner is applying *Pal* to the claims. Nonetheless, to the extent the Examiner is rejecting claims 40 and 52 for the same reasons set forth for claims 15 and 27, Applicants submit that such a rejection is unsupported by the cited art for the same reasons presented in connection with claims 15 ands 27. For example, as explained above, neither *Bharadhwaj* nor *Pal* teaches or suggests "indicating to the server that results from a computed task should be stored in a result cache on the selected server for subsequent tasks to use" or "storing the results from the task in a cache if a subsequent task will use the results." Further, neither *Bharadhwaj* nor *Pal* teaches or suggests "forming a task request from parameters and data; sending the task request to the selected server which downloads any needed executable byte code . . . [and] invokes a generic compute method." Similarly, neither *Bharadhwaj* nor *Pal* teaches or suggests "assembling parameters and data from a task request into a task; downloading any needed executable byte code; [and] invoking a generic compute method on the server." For at least these reasons, the rejection of claims 40 and 52 is not supported by the cited art and should thus be withdrawn. Further, *prima facie* obviousness has not been established with respect to these claims at least because the requisite motivation to combine the references is lacking.

Because the rejection of claims 15, 27, 40, and 52 under 35 U.S.C. § 103(a) are unsupported by the cited art, Applicants request withdrawal of the rejection and the timely allowance of these pending claims.

VII. Conclusion

Applicants request the reconsideration and reexamination of this application in view of the foregoing and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 24, 2004

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